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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,774	01/16/2002	Raymond T. Hsu	PA020106	1529

23696 7590 09/09/2004

Qualcomm Incorporated  
Patents Department  
5775 Morehouse Drive  
San Diego, CA 92121-1714

EXAMINER

ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action**

Application No.

10/051,774

Applicant(s)

HSU ET AL.

Examiner

Ovidio Escalante

Art Unit

2645

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY** [check either a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☐ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: \_\_\_\_\_.

Claim(s) withdrawn from consideration: \_\_\_\_\_.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

*Advisory Action*

Applicant contends that Hsu fails to teach or suggest providing a BCMCS\_ID to identify the broadcast service using a BCMCS\_ID service wherein an IP multicast address and UDP port number are associated with the BCMCS. Applicant further submit that neither the broadcast service parameter message, common service parameter nor the transport channel-specific parameter is an identifier for a broadcast service. The Examiner respectfully disagrees.

As per “providing a BCMCS\_ID to identify the broadcast service” the Examiner believes that the broadcast/multicast service parameter message as shown in at least paragraph 0020 reads on this since the parameter message is used to transmit message information for the mobile station pursuant to effectuations of the multicast and broadcast service that are to be effectuated therewith. Given the broad limitation of “providing a BCMCS\_ID to identify the broadcast service” as long as the prior art teaches of identifying a service with a BCMCS\_ID then the limitation is met. Thus since the broadcast/multicast service parameter message includes information that allows the service to be effectuated then the parameter message identifies the service that is being effectuation. As further shown in paragraph 0052, Hsu teaches that through the frame-formatted data communication to the mobile stations, a ready determination is made as to what communication service the data forms. Thus the service is identified through the header form of the data information message. Paragraph 0053 states that the 1xEV-DV physical layer defines an MBS (multicast and broadcast service). Therefore, Hsu teaches of defining/identifying the multicast service with the broadcast service parameter message.

Applicant contends that Hsu does not teach or suggest that an IP multicast address and UDP port number are associated with said BCMCS\_ID. The Examiner respectfully disagrees.

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The broad limitation of association an IP multicast address and UDP port number is clearly shown by Hsu since Hsu at least teaches of using the RTP/UDP/IP header message and address message with the broadcast/multicast service parameter message. Since this information is used along with the message then the RTP/UDP/IP message is "associated" with the BCMCS\_ID.

In Applicant's response, on the bottom of page 8 through the top of page 9, reference is made to their specification for associating the BCMCS\_ID with an IP multicast address and UDP port number. However, none of those limitations are in the claims nor can they be read into interpreting the claims since the claims merely states of associating an IP multicast address and UDP port number with the BCMCS\_ID and none of the limitations in the cited areas of the specification are recited in the pending claims.

FAN TSANG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read 'Fan Tsang', is written over the printed name and title.